



CITY OF DURHAM | DURHAM COUNTY
NORTH CAROLINA

Street Closing Report



Meeting Date: April 4, 2016

Reference Name	Street Closing – Acadia Street (SC1500007) and Gresham Avenue (SC1500008)	Jurisdiction	City
Request	To permanently close 26,062 square feet of Acadia Street and 15,261 square feet of Gresham Avenue.		
Applicant	Bernadette Chasteen	Submittal Date	July 30, 2015
Location	West of Elgin Street and south of West Maynard Avenue		
Recommendation	Approve permanent closing of the public right-of-way.		

A. Summary

Bernadette Chasteen proposes to close 41,323 square feet of public right of way. The request comprises portions of both Acadia Street (SC1500007) and Gresham Avenue (SC1500008). The request requires a separate vote for each street. The street closing applications (Attachment 3) indicate a total of 32,287 square feet requested for closure. During the review process, the applicant expanded the area requested for closure, which expanded the requested area for closure to 41,323 square feet.

The right-of-way is currently open and the portion of the two streets requested for closure is bordered by property owned by four different property owners – Karen A. Kelly and Kim Alton, Owen W. Synan, Leslie Loe, and the City of Durham. The right-of-way is proposed to be recombined with adjoining properties which front on this street. Each property would receive the land along their street frontage, to the center line of the street, as seen on the attached street closing plat reductions (Attachment 4).

West of the subject site, one finds the Ellerbee Creek Trail and Northgate Dog Park. Single family residences are found on properties owned by Leslie Loe and Karen A. Kelly and Kim Alton, respectively. If the request is approved, Mrs. Chasteen proposes to construct a single family structure on the property owned by Owen W. Synan. Mrs. Chasteen requests this closure in order to have direct access to construct a driveway accessible from the existing cul-de-sac along Gresham Avenue.

B. Area Characteristics

The area surrounding the right-of-way is zoned Residential Urban-5 (RU-5) and is located in the Urban Tier. The subject site is generally located west of Elgin Street and south of West Maynard Avenue.

Adjacent Land Uses and Zoning			
	Uses	Zoning Districts	Overlay Districts
North	Residential	RU-5	F/J-B
South	Vacant	RU-5	F/J-B
East	Residential	RU-5	F/J-B
West	Recreation/Open Space	RU-5	F/J-B

C. Statutory Requirements

North Carolina Statute 160A-299 requires that the Governing Body make two findings prior to closing any street or alley. These are:

- 1) Closing the street or alley is not contrary to the public interest; and
- 2) No individual owning property in the vicinity of the street or alley or in which it is located would be deprived of reasonable means of ingress or egress to that property.

D. Code Requirements

Section 13.5.1 Access, of the Unified Development Ordinance requires that every buildable lot have access to a public or private street that is designed, constructed and maintained to the appropriate standards.

E. Service Impacts

This request was submitted to service agencies for review and comment. Their comments are shown below:

Service Agency Comments		
Service Agency	Comments	How Addressed
NCDOT	No impact	n/a
County - Engineering	No impact	n/a
County - Fire Marshall	No impact	n/a
Durham County Sherriff	No impact	n/a
Emergency Medical Services	No impact	n/a
911	No impact	n/a

Service Agency Comments		
Durham Public Schools	No impact	n/a
City - Transportation	No impact	n/a
City - Engineering	No impact	n/a
City - Fire Department	No impact	n/a
City – Parks and Recreation	No impact	n/a
City – Solid Waste	No impact	n/a
City – Inspections	No impact	n/a
City – General Services	No impact	n/a
Police Department	No impact	n/a
Duke Energy	No impact	n/a
PSNC	No impact	n/a
Frontier	No impact	n/a
Tax Assessor Office	No impact	n/a
Address Coordinator, GIS	No impact	n/a

F. Staff Analysis

The area adjacent to the right-of-way is zoned RU-5 and is located in the Urban Tier. The proposed street closing plats (Attachment 4) indicate that the requested right-of-ways will be recombined with the properties which front on these streets. Each parcel will receive the portion of land, along their street frontage, to the center line of the street. Staff finds that these public rights-of-way have little or no value to the public and recommends the approval of both street closing requests.

G. Recommendation

Approve to request to permanently close 41,323 square feet of public right-of-way – portions of both Acadia Street and Gresham Avenue.

H. Staff Contact

Jacob Wiggins, Planner, 919.560.4137 ext. 28257 Jacob.Wiggins@DurhamNC.gov

I. Attachments

1. Context Map
2. Aerial Map
3. Street Closing Application
4. SC1500007, -8 – Street Closing Plat Reductions
5. Street Closing Order – Acadia Street

6. Street Closing Order – Gresham Avenue